

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7682**

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WILLIAM H. DESHIELDS, JR.,

Petitioner - Appellant,

versus

WILLIAM O. FILBERT; ATTORNEY GENERAL FOR THE  
STATE OF MARYLAND,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Baltimore. J. Frederick Motz, District Judge. (CA-  
01-4252)

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Submitted: March 27, 2003

Decided: April 14, 2003

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Before LUTTIG, WILLIAMS, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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William H. DeShields, Jr., Appellant Pro Se. John Joseph Curran,  
Jr., Attorney General, Mary Ann Rapp Ince, OFFICE OF THE ATTORNEY  
GENERAL OF MARYLAND, Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

William H. DeShields, Jr., seeks to appeal the district court's order denying relief on his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken to this court from the final order arising out of a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). As to claims dismissed by a district court solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right' and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir.) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), cert. denied, 534 U.S. 941 (2001). We have independently reviewed the record and conclude that DeShields has not satisfied either standard. See Miller-El v. Cockrell, \_\_\_ U.S. \_\_\_, 123 S. Ct. 1029 (2003). Accordingly, we deny DeShields's motion to prepare post-conviction transcript at government expense, deny a certificate of appealability, and dismiss the appeal. We dispense with oral argument because the

facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED